

# **EXHIBIT 2**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Index No. CV 8106

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HOWARD HENRY,

Plaintiff,

- against -

WYETH PHARMACEUTICALS, INC., WALTER  
WARDROP, ANDREW SCHASCHL and MICHAEL  
McDERMOTT,

Defendants.  
-----x

July 25, 2006

3:10 p.m.

Deposition of WALTER WARDROP,  
taken by the Plaintiff, pursuant to  
Notice, held at the offices of Orrick,  
Herrington & Sutcliffe, LLP, 666 Fifth  
Avenue, New York, New York, before  
Brian Glickman, a Shorthand Reporter  
and Notary Public of the State of New  
York.

WARDROP

A. They are the ones that blend,  
press coat the tablets.

Q. And are you currently in the  
same position today?

A. No.

Q. How long did you hold that  
position?

A. I held that position for  
approximately two and a half years.

Q. What did you do next?

A. I was the production  
coordinator for consumer health.

Q. When did you attain that  
position?

A. 2000.

Q. What are your duties in this  
position, what were your duties in this  
position?

A. Coordinate the flow of  
materials through the factory.

Q. How long did you hold this  
position?

A. It was less than a year. It  
might have been about eight months.

WARDROP

Q. What was the next position you held?

A. Department head train 1.

Q. Department head?

A. Train 1.

Q. What is train 1?

A. Train 1 is just a name for a department, an operating unit.

Q. Which is a production line, is train a production line?

A. The train is what they call the department. It was all the people that were engaged in the manufacturing of Centrum silver tablets.

Q. Did you supervise employees in that position?

A. Yes, I did.

Q. How many?

A. Upwards of between 70 and 80.

Q. How long did you hold that position?

A. Probably about a year and a half.

Q. Where did you next work at

WARDROP

Wyeth?

A. I was reassigned to department head of train 2, which is Centrum manufacturing.

Q. When did that happen?

A. I'm not sure of the date.

Q. Do you remember the year?

A. It might have been early 2003, somewhere in 2003.

Q. What are your duties as a department head train 2?

A. I was accountable for the manufacturing and delivery of all the Centrum silver tablets. I managed the supervisors. I managed the engineer, the production clerk, and was responsible for all the operators that reported to those individuals.

Q. How many individuals were under you at this point, that you were responsible for?

A. It was upwards of between 70 and 80 people.

Q. Prior to your attaining your

WARDROP

classes you have to take these are the  
SOPs you have to complete, so it was in  
my curriculum.

Q. When were you first given a  
curriculum at Wyeth?

A. When I became a supervisor.

Q. When did you first meet  
Howard Henry?

A. When I interviewed him for  
the position of production engineer for  
train 1. I'm sorry, train 2.

Q. Prior to your interviewing  
him for that position, was he an  
employee of the company?

A. Yes.

Q. Did you know him prior to  
that?

A. No.

Q. After your interviewing him  
for that position, did he get that  
position?

A. Yes.

Q. What position did he get?

A. Production engineer.

WARDROP

Q. When he received that position, was he supervised by yourself?

A. Yes.

Q. What were his duties as production engineer?

A. Maintain the equipment, conduct the PMOs, preventative maintenance for the equipment, validate new equipment, help validate processes, respond to maintenance concerns and act as a liaison between the operating department and the maintenance department.

Q. How long did you supervise Mr. Henry?

A. Three years.

Q. During this period of three years, did you provide him with performance appraisals?

A. Yes, I did.

Q. How many performance appraisals did you provide for Mr. Henry?

WARDROP

A. Four.

Q. The first appraisal you provided to him was during the first year of his employment in your department; is that correct?

A. I'm sorry?

Q. The first appraisal that you provided to him was during the first year of his working in your department?

A. That is correct.

Q. And had you had the opportunity to evaluate him over the year period at that time?

A. I believe in 2000 he had not worked an entire year for me.

Q. Did you request any input from any other department heads with respect to his performance in preparing your evaluation in the year 2000?

A. I don't recall.

Q. Do you recall what level you found him to be in the year 2000?

A. What his performance rating was?



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Q. Yes.

A. Yes, it was a three.

Q. Did you have the opportunity to appraise his performance the following year, 2001?

A. Yes, I did.

Q. And during that period of time you supervised him for the entire year?

A. Correct.

Q. And do you recall what performance rating you gave him in 2001?

A. Yes.

Q. What was that rating?

A. Four.

Q. What was the difference in your opinion between 2000 and 2001 that warrant had the jump of one level in his performance appraisal?

A. In 2000 it was a learning curve for him. He had not mastered the job and I felt in 2001 he started to show that he was beginning to master

WARDROP

1  
2 the position.

3 Q. Are these performance  
4 appraisals that are given to Mr. Henry  
5 and your other reports done entirely by  
6 you?

7 A. I am responsible for writing  
8 it and presenting it but I receive  
9 input from other senior management in  
10 consumer health, yes.

11 Q. The performance appraisals  
12 that you gave to Mr. Henry in 2000 and  
13 2001, did you consult with any other  
14 management in preparing those  
15 appraisals?

16 A. I don't recall what year we  
17 began doing the collaboration session  
18 and that's the session where we solicit  
19 input from the other department heads,  
20 but we did do a collaboration session  
21 in 2002. I don't recall if we did one  
22 in 2001.

23 Q. Did you have any problem with  
24 Mr. Henry's performance in 2001?

25 A. No.

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Q. Would it be fair to say that the two of you got along very well?

A. Yes.

Q. You liked each other, you worked well together?

A. Yes.

Q. In 2002, you also provided a performance appraisal for Mr. Henry?

A. That is correct.

Q. And I believe you just indicated that in 2002 it wasn't only your performance appraisal, it was done in conjunction with other managers; is that correct?

A. That is correct.

Q. And in 2002, what was Mr. Henry rated?

A. Four.

Q. And that was as a result of your conversations with other managers where in you all decided to give him a four rating?

A. I present what rating I think he deserves and then people have the

WARDROP

opportunity to present input.

Q. Do you recall in 2002 what rating you presented for Mr. Henry?

A. Four.

Q. Again in 2002, did you get along with each other?

A. Yes.

Q. You worked well together?

A. Yes.

Q. You liked each other, no problems?

A. Yes.

Q. In the following year, you provided an employment appraisal for Mr. Henry?

A. Yes.

Q. And in that year do you recall what his rating was?

A. Yes.

Q. What was his rating?

A. Three.

Q. Was that the original rating you had presented?

A. Yes, it is.

## WARDROP

Q. Why did you feel there was a drop off in his performance between the year before and 2002?

A. Because there had been a drop off in his performance. He was not performing --

Q. I'm sorry, I said 2002, I meant 2003.

A. Yes. In 2003, when you do a performance review, it is a discrete bucket of time. There is a time fence. The time prior to the beginning of the year he had already been rated, so within the time fence that he was being rated for 2003, his performance began to slide. He was late on projects. He missed projects. He delivered them either behind schedule, on the last day they were due and some he missed entirely, and that was a major concern for myself and a major concern to the other managers who depended on him to complete assignments on time.

Q. Who were the other managers

WARDROP

to which this was a concern?

A. Andy Schaschl, the managing director had a concern. On at least two occasions I was instructed to intervene on two projects that Mr. Henry was leading up because they were falling behind and instructed to get involved and make sure they get done on time.

Q. Who were you instructed to do that by?

A. Andy Schaschl.

Q. Were there any other managers that had concerns with Mr. Henry's performance?

MR. MCQUADE: Objection.

Q. To your knowledge?

A. The other managers as well had a concern that -- one of the concerns is -- one of the issues that came up in his mid-year was he was not responding to his pager, which is when a supervisor on an off shift needs assistance by the end of the year they

## WARDROP

page him, the engineer on train 2 reporting to Bob Bracco was getting called at home because Mr. Henry was not responding to pages, and Mr. Colas who was the train 1 -- I'm sorry, train 2 engineer was beginning to complain that he was concerned that he's being called at home for equipment and processes that was outside of his scope, why isn't Mr. Henry responding, so that was one of the concerns that came up with calibration.

Q. Did you raise this concern with Mr. Henry?

A. Yes, I did.

Q. And what did he say about it?

A. He claimed that he answered his pager every time he was contacted and he contacted the communication department and identified a period of time where the pagers were not working.

Q. Did you ascertain if this was in fact the case that the pagers weren't working?

WARDROP

MR. MORELLI: If there are written reviews, we've asked for this already, but if there are written mid-year reviews prior to 2003, we call for the production of those documents.

(Information requested.)

Q. In 2003 you did a review of Mr. Henry's work, mid-year?

A. Yes.

Q. Did you have a personal sit-down with Mr. Henry?

A. Yes, I did.

Q. And did you discuss your concerns with him at that time?

A. Yes, I did.

Q. And this was how many months after you had just given him a four for his performance a year before?

A. Probably six to seven months in.

Q. Were you aware that during this time period Mr. Henry was searching for other employment within



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A. I believe he did.

Q. I'm going to show you a document that's been previously marked as Henry Exhibit 13, and I would ask you if you can identify that document.

A. Yes.

Q. What is it?

A. This is the mid-year review.

Q. Does this document refresh your recollection as to whether or not Howard Henry signed the document?

A. I believe he signed it. This could be an electronic copy that I forwarded to him which would not be signed. We didn't sign and scan. This may have been an electronic word document.

Q. Do you know if a signed copy exists somewhere in your records?

A. I don't know at this time.

Q. Do you know if you signed the document?

A. My recollection is that we both signed it, but I don't know if I

WARDROP

gave this to him other than yourself?

A. No.

Q. Subsequently you gave Mr. Henry a performance evaluation for the year 2003, that's correct?

A. Yes.

Q. And that was done when?

A. Mid-December.

Q. According to the mid-year evaluation that was done in September; is that correct, September of '03?

A. Yes.

Q. So some three months later you did the end of the year review?

A. That is correct.

Q. And in preparing this end of the year review, did you discuss that particular review with other managers?

MR. MCQUADE: Objection.

You can answer the question if you can.

A. The only person that I may have -- would have shared this document with would be Joanne Rose, if she had

WARDROP

the review.

Q. Did he tell you that he was going to speak to someone other than you about the review?

A. That would have been the rebuttal process, yes.

Q. And during these subsequent conversations that you had with Mr. Henry regarding his review and his transfer, were there any other individuals in the room during these discussions?

A. Not until January 16th, when we met with Joanne Rose.

Q. Prior to January 16th, were you made aware that Mr. Henry had made a charge of racial discrimination?

A. I was not.

Q. On January 16th, were you made aware that he did?

A. No.

Q. Ms. Rose didn't tell you that he had filed a charge?

A. No.

WARDROP

Q. The conversation on January 16th that you had with Mr. Henry with Ms. Rose present, what was the sum and substance of that conversation?

A. As I recall we presented him again with the now revised performance appraisal, again that his job assignment was packaging, and again he was not happy with that. He said he would not accept it and we ended the meeting. He said he would take it higher.

Q. Okay, how did it come about that the performance appraisal was revised?

A. I revised it.

Q. Why did you do that?

A. I changed it because there were things that I needed to communicate to Howard, developmentally things that had come up at the collaboration sessions that he needed to work on moving forward, primarily

## WARDROP

1  
2 delivering projects on time and the  
3 timeliness of his work. I felt after  
4 having communicated that to him that  
5 there was no reason to keep it in the  
6 permanent record. I was very aware  
7 that the performance appraisal is a  
8 permanent record. It could be pulled  
9 by a manager in the future who may be  
10 considering him for a job, and I didn't  
11 want something that he improved upon  
12 between now and then to become an  
13 obstacle for him to get a position that  
14 he might be interested in.

15 Q. Did you discuss your decision  
16 to revise the performance appraisal  
17 with anyone?

18 A. I notified Joanne because it  
19 was what we discussed at the  
20 January 16th meeting.

21 Q. Did you discuss it with Mr.  
22 Bigelow?

23 A. No.

24 Q. Did you discuss it with Mr.  
25 Schaschl?

WARDROP

offered you had nothing to do with his  
being put in that position or  
recommended for that position?

A. No.

MR. MORELLI: Fair enough.  
Thank you. I have nothing further.

MR. MCQUADE: I'd like to  
confer with Mr. Wardrop for a  
minute, please.

Step outside.

(Brief recess was taken.)

EXAMINATION BY

MR. MCQUADE:

Q. All right, Mr. Wardrop, are  
we ready?

A. Yes.

Q. I have a few questions.  
I believe you testified the  
first time you met Mr. Henry was when  
you interviewed him for the production  
engineer position; is that correct?

A. Yes.

Q. And who made the decision to  
hire Mr. Henry for that position?

WARDROP

A. I did.

Q. You also testified about the organizational cascade that occurred at the Pearl River facility in 2003.

Were you affected in any way by the organizational cascade?

A. Yes, I was.

Q. How were you affected?

A. I was reassigned at the same time.

Q. What position were you reassigned into?

A. I was reassigned to department head for train 2.

Q. And as part of the organizational cascade when you were reassigned into the department head train 2 position, did you have an opportunity to select the employees who would be working under you in train 2?

A. Yes, I did.

Q. Were there any engineers that would be working under you in train 2?

A. Yes.

WARDROP

Q. How many engineers reported up to you in train 2, how many positions were available?

A. One.

Q. And who did you select for that position?

A. Jean Colas, J-E-A-N, C-O-L-A-S.

Q. Do you know Mr. Colas' race?

A. Yes.

Q. And what is it?

A. Black.

Q. Why did you select Mr. Colas?

A. Because he was a highly qualified engineer. I knew him and he would provide stability for the train. As I'm new, he would provide stability and he was a high performer.

MR. MCQUADE: I have nothing further.

MR. MORELLI: I have a couple further questions.

CONTINUED BY

MR. MORELLI:



# **EXHIBIT 3**

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
4 Index No. CV 8106

5 -----x  
6 HOWARD HENRY,

7 Plaintiff,

8 - against -

9 WYETH PHARMACEUTICALS, INC., WALTER  
10 WARDROP, ANDREW SCHASCHL and MICHAEL  
11 McDERMOTT,

12 Defendants.  
13 -----x

14 July 25, 2006

15 1:45 p.m.

16 Deposition of JOANNE ROSE,  
17 Non-Party Witness, taken by the  
18 Plaintiff, pursuant to Notice, held at  
19 the offices of Orrick, Herrington &  
20 Sutcliffe, LLP, 666 Fifth Avenue, New  
21 York, New York, before Brian Glickman,  
22 a Shorthand Reporter and Notary Public  
23 of the State of New York.  
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1 ROSE

2 them over but he didn't want to do  
3 that.

4 Q. Did he indicate to you that  
5 he had received a higher rating the  
6 year prior to the performance appraisal  
7 that he was upset with?

8 A. I don't recall if he said  
9 those exact words.

10 Q. Was it your understanding  
11 that he had received higher reviews in  
12 the prior years than the year he was  
13 discussing?

14 A. Yes.

15 Q. Did you have any  
16 conversations with anyone regarding Mr.  
17 Henry and/or his unhappiness with his  
18 rating review, and/or his assignment?

19 A. Yes, I talked to his manager.

20 Q. Who did you speak to?

21 A. Walter Wardrop,  
22 W-A-R-D-R-O-P.

23 Q. Was that conversation on the  
24 telephone or in person?

25 A. I don't recall.

ROSE

When you saw this document on January 16th of 2004, what did you do with respect to this issue, anything?

A. That same day I had a meeting with Mr. Henry.

Q. Did you have a conversation with Mr. Henry as to what was in the memo that you had seen on the same day?

A. No, I did not.

Q. Did you ask him if he felt he was being discriminated against?

A. I did not use that word. I asked him on several occasions, after we were in discussion, about his unhappiness with his rating and unhappiness with his assignment. I asked him what would he like to see done about that.

Q. Okay.

Were you his representative at Pearl River, his human resource representative, at Pearl River?

A. Yes.

Q. And on that day that you saw

1. ROSE

2 this memo you didn't ask him if he felt  
3 he was being discriminated against?

4 A. No, I did not. I asked him,  
5 talked to him about his unhappiness. I  
6 talked to him about the fact that if he  
7 could let me know what he would like to  
8 have done.

9 Q. Did you ever ask Mr. Henry if  
10 he felt he was being discriminated  
11 against?

12 A. I did not.

13 Q. Upon your questioning Mr.  
14 Henry on January 16th as to what he  
15 wanted done, do you recall what he  
16 said?

17 A. He said that he would pray on  
18 it and he would let me know.

19 Q. And did he let you know?

20 A. No.

21 Q. Did there come a time when  
22 his performance evaluation was changed?

23 A. Some of the wording in his  
24 performance evaluation was changed.

25 Q. Who made the decision to

ROSE

change his performance evaluation?

A. His manager Walter Wardrop.

Q. Were you involved in any discussions involving this decision?

A. I can't recall exactly any discussions but I would normally be involved with any matters related to performance reviews.

Q. Did you have a discussion with Mr. Schaschl and Mr. McDermott regarding a change of Mr. Henry's performance appraisal?

A. I'm sure I probably had a discussion. I don't really recall the discussion. I can tell you any direction I would give to anyone is the rating can never change. Once a rating is assigned, that cannot be changed. If Walter Wardrop decided to change wording, then that would have been his choice.

Q. It is your testimony that the decision as to whether or not to change this particular performance evaluation

1 ROSE

2 Q. When you say "we," were you  
3 involved in that process?

4 A. Yes, I was.

5 Q. Were you involved in the  
6 decision to put Howard Henry in the  
7 packaging supervisor position?

8 A. I was involved with  
9 facilitating the meeting with about 20  
10 or so people. I did not personally  
11 assign people to any one position, no.

12 Q. Are you aware of who assigned  
13 Mr. Henry to the packaging supervisor  
14 position?

15 A. No, I'm not.

16 Q. Did you look into his  
17 concerns with respect to this transfer  
18 to the packaging supervisor position?

19 A. I talked to him for a good  
20 period of time about it. I tried to  
21 counsel him on the fact that it was an  
22 assignment, that I thought it was a  
23 good opportunity for him, because in a  
24 manufacturing production environment,  
25 working as a supervisor of hourly

ROSE

employees is a job that's one that's really very critical, it's probably one of the key jobs at the plant site. So I told him I thought that was a good opportunity for him to go through and learn and grow and I remember having that discussion with him.

Q. Do you know how many chemists at Wyeth have held that position in the past?

A. Chemists?

Q. Yes.

A. I wouldn't know how many chemists, I know that someone that had a chemical engineering degree held that position.

Q. Who was that?

A. Cara Muscolo, M-U-S-C-O-L-O.

Q. When did she hold that position?

A. I don't remember the year she was -- I do recall she was -- she has a bachelor degree in chemical engineering from Purdue University and she was a



ROSE

packaging supervisor.

Q. Is she still with the company?

A. Yes.

Q. What position does she hold today?

A. Today her title is probably something like project manager. She is on a special assignment in Pearl River working with consumer health business.

Q. How long has she been with the company?

A. I don't remember what year she was hired.

Q. Do you know if it's been ten years, 20 years, 50 years?

A. I know it's not 20 or 50. I really don't recall.

Q. Do you know if that was her first position when she came to Wyeth.

A. Yes, it was.

Q. Did you have a conversation with Mr. Henry as to what affected the decision to transfer him to packaging

ROSE

Q. Was Mr. Henry ever evaluated on a mid-year basis during his entire employment with Wyeth prior to 2003?

A. If he was an employee of the consumer health group prior to 2003 he would have received mid-year reviews, or discussions at mid-year.

Q. Would these reviews have been in writing?

A. Our mid-year -- I can't say whether his was or not, our mid-year -- I can give you how we do it mid-years.

Q. Sure.

A. At the company if you would like.

Q. Sure.

A. Basically a mid-year discussions -- takes place with employees. It does not have to be written. There is not a number assigned to that mid-year discussion, some groups do a written mid-year review, and some managers choose to just have the discussion.

# **EXHIBIT 4**

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 Index No. CV 8106

5 -----x  
6 HOWARD HENRY,

7 Plaintiff,

8 - against -

9 WYETH PHARMACEUTICALS, INC., WALTER  
10 WARDROP, ANDREW SCHASCHL and MICHAEL  
11 McDERMOTT,

12 Defendants.  
13 -----x

14 July 25, 2006.

15 10:25 a.m.

16 Deposition of PETER T.

17 BIGELOW, Non-Party Witness, taken by  
18 the Plaintiff, pursuant to Notice, held  
19 at the offices of Orrick, Herrington &  
20 Sutcliffe, LLP, 666 Fifth Avenue, New  
21 York, New York, before Brian Glickman,  
22 a Shorthand Reporter and Notary Public  
23 of the State of New York.  
24  
25

1. BIGELOW

2 A. I held it until November of  
3 2003, at which time I was temporarily  
4 assigned to a different job and  
5 somebody took on my position while I  
6 was away in the next position.

7 Q. Who took your position?

8 A. Germain, G-E-R-M-A-I-N,  
9 Morin, M-O-R-I-N, who was the plant  
10 manager in in the Montreal plant.

11 Q. This temporary assignment  
12 that you had, was that within Wyeth  
13 Pharmaceuticals?

14 A. Yes.

15 Q. Did it have anything to do  
16 with the Pearl River operation?

17 A. Yes, it was to move -- to run  
18 the Pearl River site full-time. That's  
19 the entire site, meaning both the  
20 Centrum manufacturing and the vaccine  
21 manufacturing operation.

22 Q. How long did you act in this  
23 temporary capacity?

24 A. About 15 months.

25 Q. What position did you hold

BIGELOW

A. I don't exactly recall, but he either -- either just knocked on my door and came into my office or made an appointment through my secretary. I don't exactly remember how that happened.

Q. Did you have a meeting with him?

A. Yes.

Q. How long did the meeting last?

A. I don't recall.

Q. Was it a matter of minutes --

A. It was probably, you know, in the half-hour range.

Q. And what was discussed in in meeting?

A. The first time I ever met Howard?

Q. Yes.

A. I don't really remember the exact conversation. I know it had to do with him expressing to me, you know, some unhappiness with his performance

BIGELOW

appraisal.

Q. Do you recall what he indicated he was unhappy about with respect to his performance appraisal?

A. He was unhappy with his rating, and he did say he was unhappy with the appraisal itself.

Q. Did he indicate how his appraisal was compared to prior appraisals; do you recall?

A. I don't recall.

Q. Do you recall in this first meeting his discussing discrimination at all?

A. Not in the first meeting we had.

Q. By the way, did you have the opportunity to review the transcript of Mr. Henry's deposition prior to your testifying today?

A. Transcript, I'm not sure whether that's privileged information or not.

MR. MCQUADE: You can answer

1. BIGELOW

2 expressed them to you other than the  
3 question of discrimination?

4 A. Yes. He asked me to review  
5 his appraisals. I did that. He asked  
6 me to talk to his supervisors and not  
7 only did he ask me to, it kind of made  
8 sense for me to kind of understand a  
9 little bit. He was obviously somebody  
10 who was pretty upset over his  
11 situation, so I wanted to understand  
12 the background a little bit, so yes, I  
13 did some, you know, looking in to it.

14 Q. Do you recall who you spoke  
15 to?

16 A. Mike McDermott and Andy  
17 Schaschl.

18 Q. Did you speak to Mr.  
19 McDermott and Mr. Schaschl together or  
20 separately?

21 A. I think I spoke to Mr.  
22 McDermott separately and then the two  
23 of them together, but I'm not exactly  
24 positive, but I think that's the way it  
25 went.



1. BIGELOW

2 little bit about the background of the  
3 situation and they did that.

4 Q. Did they indicate to you that  
5 they had any problem with Mr. Henry or  
6 his performance?

7 A. That's not really clear.  
8 They told me a little bit about his  
9 performance but I wouldn't characterize  
10 it as a problem, necessarily.

11 Q. What did they tell you?

12 A. That he was -- you know, that  
13 he was a person that had performed kind  
14 of middle of the road, you know, wasn't  
15 meeting all of his objectives, met a  
16 number of them, you know, did well in  
17 some areas and did not so well in some  
18 areas. His performances were kind of  
19 middle of the road and not stellar but  
20 they had been working with him and  
21 trying to make improvements.

22 Q. You indicated that at some  
23 point you received an e-mail from Mr.  
24 Henry that raised the issue of  
25 discrimination?

BIGELOW

A. Yes.

Q. I'm going to show you a document that's been previously marked as Henry Exhibit 18, and I would ask you if that is a copy of the e-mail that you were speaking about?

A. Yes.

Q. When you received this e-mail from Mr. Henry, did it cause you concern?

A. Yes.

Q. And what did you do in response to receiving this e-mail?

A. I asked that our head of human resources on the site give some advice as to how we had to look into this.

Q. Who was the head of human resources?

A. It was Donna Grantland, G-R-A-N-T-L-A-N-D.

Q. And did Ms. Grantland have a conversation or conversations with you about how to treat this matter?

1. BIGELOW

2 A. I'm sure we did.

3 Q. Do you recall any specific  
4 conversations?

5 A. I really don't. I mean we  
6 had conversations -- a lot of  
7 conversations all day long about a lot  
8 of things and I'm sure this was one we  
9 had conversations about.

10 Q. As a result of any possible  
11 conversations you had with anyone, did  
12 you reach an understanding as to what  
13 should be done in response to this  
14 e-mail?

15 A. Yeah, we decided to have kind  
16 of the corporate HR department notified  
17 of this allegation and we decided that  
18 it should be investigated by somebody  
19 outside the site who was impartial and  
20 not involved in this case in any way.

21 Q. Was someone from corporate HR  
22 notified?

23 A. Yes.

24 Q. Who was notified?

25 A. Certainly two people were

BIGELOW

notified. Ann Judge who is our head of HR for the whole manufacturing organization was notified. You know, she's the only one that I'm sure would have been notified. I really don't recall who else would have been.

Q. Do you recall anyone else who might have been notified because you seem to have someone in your mind?

A. I think we would have notified, but I don't know for sure Michael Dougherty who was head at the time of labor relations, but I don't know for sure whether I talked to Mike or I would have expected Ann to or whether he was definitely notified or not, so --

Q. Did you have a conversation with Ms. Judge about Mr. Henry?

A. I'm almost positive I did, yeah.

Q. Do you recall the sum and substance of that conversation?

A. Just filled her in on what I

1. BIGELOW

2 knew of the situation and, you know,  
3 got her advice and suggested that we  
4 identify somebody that could do an  
5 investigation around this.

6 Q. Do you recall what her advice  
7 was?

8 A. I think what she suggested  
9 was that she wanted to get back to me  
10 and let me know who could be available.  
11 I think her advise was, yes, it sounds  
12 like something we should investigate.  
13 So both she and I and Donna Grantland  
14 felt this was a fairly serious  
15 allegation and one we should  
16 investigate and look into.

17 Q. Was Mr. Henry, ever made  
18 aware of your efforts in this regard?

19 A. To investigate it?

20 Q. Yes.

21 A. Yes.

22 Q. How did he find that out?

23 A. I called him and told him  
24 there was going to be an investigation  
25 into this.

BIGELOW

Q. Did you tell him that corporate was involved, corporate HR?

A. You know, corporate it's not -- you know it's division, it's not corporate that's kind of not a term we use, but I told him it would have been somebody from outside of Pearl River. I'm sure.

Q. Was someone from outside of Pearl River assigned to do an investigation?

A. Yes.

Q. Who was that?

A. His name is Eugene Sackett, S-A-C-K-E-T-T.

Q. And who is Mr. Sackett?

A. He works in the HR department. and I don't know what the -- what his title would be, but he's been involved in investigating things in the past and so he's somebody that's made available for this kind of a situation.

Q. Do you know if he conducted an investigation?

BIGELOW

A. Yes, he did.

Q. Do you know what he did in conducting an investigation?

A. I know he interviewed a number of people that were involved in the case including Howard himself.

Q. Do you know who else he interviewed?

A. I don't know all the names. I know some. I know he talked to Mike McDermott, Andy Schaschl, Walter Wardrop, Donna Grantland, probably Joe Vitanza too, V-I-T-A-N-Z-A.

Q. As a result of Mr. Sackett's investigation, was a report generated?

A. There was a report -- he did report back to me on the investigation.

Q. Did he provide a written report?

A. He provided me with a set of notes. I don't recall ever seeing a written kind of narrative report but certainly he provided me with a set of his notes.

BIGELOW

MR. MORELLI: If there are any notes that exist that we don't have, we would call for their production.

I don't know if you turned over any notes.

(Information requested.)

MR. MCQUADE: We have produced whatever notes we've been able to find.

Q. Do you recall the sum and substance of Mr. Sackett's findings with respect to the investigation?

A. Yes, he told me he found no evidence of racial discrimination.

Q. Does Mr. Sackett still work for Wyeth?

A. I understand he doesn't. I don't know that absolutely for a fact but somebody told me recently that he has left the company.

Q. Any understanding as to where he went?

A. No.



BIGELOW

he was upset?

A. Yes.

Q. That was prior to the conclusion of the investigation?

A. Yeah, that was before the investigation even started, yes.

Q. And what was his concern?

MR. MCQUADE: Objection.

A. He was slated to be transferred to a position at the same level he was at in the organization which he did not really want to take which was supervisor of packaging, so he was going to be moving from project engineer to packaging supervisor and as far as I remember they are the same level in the corporation, so it wasn't a demotion but it was a transfer, that he did not want to take that transfer.

Q. Do you know how this transfer came about?

A. I know a little bit about it, not a lot about it because it happened before we got it.

1. BIGELOW

2 Q. Could you tell us, please?

3 A. We did have a program called  
4 Organizational Cascade, and what it was  
5 was that the leadership level for our  
6 manufacturing organization. We came up  
7 with some principles about the way we  
8 should organize ourselves, and then we  
9 cascaded those principles down to each  
10 of the plants.

11 So each of the plants, kind  
12 of did a reorganization, moved, you  
13 know, combined some jobs, eliminated  
14 some jobs, you know -- and it ended up  
15 being quite a bit of movement of people  
16 in each one of the plants, so this  
17 organization cascade which took place  
18 at Pearl River, which I wasn't  
19 intimately involved with, was a  
20 reorganization and out of that was a  
21 recommendation that Howard be moved  
22 from a project engineering role he was  
23 in to a supervisor of packaging role.

24 Q. Do you know prior to this  
25 proposed transfer if any chemist had